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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/014,810 | 12/14/2001 | Karin Otto | 32301W242 | 1667 |
| 7590 | 07/12/2005 | | EXAMINER | |
| SMITH, GAMBRELL & RUSSELL, LLP ATTORNEYS AT LAW SUITE 800 1850 M STREET, N.W. WASHINGTON, DC 20036 | | | CAIN, EDWARD J | |
| | | ART UNIT | PAPER NUMBER | |
| | | 1714 | | |
| DATE MAILED: 07/12/2005 | | | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

| Office Action Summary | Application No. | Applicant(s) |
|------------------------------|----------------------------|---------------------|
| | 10/014,810 | OTTO ET AL. |
| | Examiner Edward J. Cain | Art Unit 1714 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 29 April 2005.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-30 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-8, 14-22, 29 and 30 is/are rejected.

7) Claim(s) 9-13 and 23-28 is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948) Paper No(s)/Mail Date. ____.
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
5) Notice of Informal Patent Application (PTO-152)
6) Other: ____.

The amendment received 29 April 2005 has been made of record. Claims 1-30 are pending.

The rejection of claims 14 and 15 under 35 USC 112 contained in the previous office action is withdrawn in view of applicants' amendments.

Claims 1-8, 14-22 and 29-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Linde et al '026 in view of Linde et al '988 and Walsh.

This rejection as it pertains to claims 1-8, 14, 16-22 is repeated from the previous office action as being obvious over Linde et al '026 in view of Linde et al '988. Claims 14, 22 and 30 are now included.

Applicants' have argued in traverse of this rejection focusing on unexpected results. The unexpected results discussed are those resulting from the combination of oil and wax. This combination is fully disclosed by the primary reference, alone. The secondary Linde et al reference was cited as teaching the suitability of synthetic oil in similar compositions and this suitability is seen as providing motivation.

Claims 15 and 29 are seen as obvious over Linde et al '026 in view of Linde et al '988 and Walsh.

The two Linde et al references have been discussed previously. They lack an explicit teaching of the use of their compositions in printing inks. Linde et al '988 does explicitly teach "colored pastes" (see abstract). The reference to Walsh is cited as teaching the art known use of colored pastes comprising carbon black as pigments for printing inks.

Therefore, it would have been obvious to utilize the colored pastes taught by the Linde et al references as a pigment for printing ink.

Claims 9-13 and 23-28 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edward J. Cain whose telephone number is (571) 272-1118. The examiner can normally be reached on M-F from 10:0 to 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan, can be reached on 571 272-1119. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Edward J. Cain
Primary Examiner
Art Unit 1714

A handwritten signature in black ink, appearing to read "Edward J. Cain".